

the lands of the said Dall, upon which the complainants claim their lien, as above stated, were, on the 11th of November, 1847, sold by the sheriff of Washington county, by virtue of writs of *fiery facias*, issued out of the County Court of said county, upon judgments of the Hagerstown Bank, and Jacob Towson's executor, against said Dall, subject to all prior claims and judgments, to the defendant, Wm. B. McAttee, and that said lands in the hands of said McAttee remain and are subject to the lien, mortgage and claim of the complainants in equity. The bill also alleges that a mortgage from said Dall to a certain Gerard Stonebraker, for the use of Elizabeth Stonebraker, his wife, was not recorded in due time, and cannot prevail against the lien of the complainants.

The answer of McAttee, (the only one alluded to in the opinion of the Chancellor,) states that respondent having informed himself of the amount of liens, of record in Washington County Court, upon the land of said Dall, attended the sale thereof by the sheriff, and purchased Dall's interest therein for \$500, and then proceeds as follows: "And this defendant avers that he knows nothing of the mortgage charged in complainant's bill, to have been executed by the said Dall to the said Schley, out of which the pretended equities of the complainants are supposed to exist. That he had seen from the record office of Washington county, a list of all liens, having any legal force on said lands, before he purchased the same, and he insists that he is a purchaser without notice of any lien, other than those duly of record, and can neither admit, or deny the charges in complainant's bill, in that behalf. That about the time of said sale, this defendant learned that John R. Dall was the surety of William Schley, and was likely to have to answer for many of his debts. That this defendant knew nothing of his business in the year 1846, and denies all, and all manner of, fraud as charged in the bill of complaint, and insists that the sale made to him is valid, and as such purchaser, he is advised, his lands, conveyed by the said sheriff, cannot be properly chargeable with any incumbrance, other than those legally obtained, and recorded as required by law, and prays to be dismissed," &c.